IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 10305 of 1993

Between:

Reddy Sikander Saheb

..... PETITIONER

AND

1
AP.State Walk Board Near Jude Mosque, King Kothi
Hyderabad, rep. By its Secretary.
2
The Madanapalli Muslim Sunni Ahala Jamayat of Khadeswari Darga and Urs Committee, Represented by its President.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of PROHIBITION or any other appropriate writ or order or direction, prohibiting the first respondent herein from proceeding in the matter of enquiry pursuant to the show cause notice bearing F.No.R1/70/CTR/69 dt. 10/06/1993. pass

Counsel for the Petitioner: MR.MIRZASAFIULLA BAIG

Counsel for the Respondent No.1: Mr.A.M.Qureshi

Counsel for the Respondent No2.: SUBHANI.S.M.

The Court made the following :

THE HONOURABLE SRI JUSTICE

R. SUBHASH REDDY

WRIT PETITION NO.10305 OF 1993

ORDER:

This Writ Petition is filed seeking Writ of Prohibition, to prohibit the first respondent herein from proceeding further in the matter of enquiry pursuant to the show cause notice No. R1/70/CTR/69, dated 16-6-1993.

It is the case of the petitioner that he is the owner of private property in the name and style of 'Anjuman Hamdard-e-Islam Sarai', as the same was purchased by his father and the same is not wakf property. The impugned show cause notice is issued on the premise that the said property is a wakf property and the petitioner is called upon to explain why he should not be removed from the office of the Muthawalli of the aforesaid institution and to take the said wakf property under the direct management of the A.P. State Wakf Board.

It is submitted by the learned Counsel appearing for the petitioner that the property in question is a private property; as such, the respondents have no authority or jurisdiction to issue the impugned show cause notice calling explanation.

In the counter affidavit, as mentioned, it is the claim of the respondents that the property in question is a notified wakf property.

Inasmuch as there is dispute with regard to nature of property, it is for the petitioner to submit his explanation to the show cause notice dated 10-6-1993 issued by the respondents. Whether the property in question is a notified wakf property or not, is the subject matter of enquiry by the respondent authorities, and, the same is no

ground to interdict the proceedings at this stage. Though it is submitted by the learned Counsel for the petitioner that there is no jurisdiction at all to the respondents, but, having regard to the claim of the respondents that the property is a notified wakf property, it cannot be said that the respondents have no jurisdiction at all. Inasmuch as this Court has passed interim order at the stage of admission and is continued all along pending disposal of the Writ Petition, I dispose of the Writ Petition permitting the petitioner to submit his objections to the show cause notice dated 10-6-1993 within a period of three weeks from the date of receipt of this order. On such filing of objections, and, pending passing of final orders, status quo as on today shall be maintained.

Subject to the above direction, the Writ Petition is disposed of. No costs.

JUSTICE R. SUBHASH REDDY

DATED: 06-12-2004.

Msnr.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Secretary
   AP.State Walk Board Near Jude Mosque, King Kothi
   Hyderabad

2 **2CD copies**

*Form-NIC-OGS/WP{**GR**}*